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|-------------------------------|-----------------------------|---------------------|
| <b>Notice of Allowability</b> | Application No.             | Applicant(s)        |
|                               | 09/674,315                  | KLEVANS, RICHARD L. |
|                               | Examiner<br>Prenell P Jones | Art Unit<br>2667    |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 5/27/04.
2.  The allowed claim(s) is/are 1-30 and 32-63.
3.  The drawings filed on 26 October 0200 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7.  Examiner's Amendment/Comment \_\_\_\_\_
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

***Allowable Subject Matter***

1. Claims 1-30 and 32-63 are allowed over prior art.
2. The following is an examiner's statement of reasons for allowance: Applicant has canceled previously rejected claim 31, and as indicated in the previous office action, claims 1-30 and 32-63 contain allowable subject matter.

Although the prior art, Katsume, Nagami et al, Abe et al, Warrier et al, Schuster et al discloses label switching technology associated with an ATM network, wherein the architecture includes ATM-LSR, label distribution protocol, MPLS, multiple routers, IP forwarding table, forwarding IP streams, IP multicast sessions, edge nodes, core nodes, VPI/VCI space accommodate labels, default labels, conventional routers (general purpose), conventional ATM switch, VCID values between neighboring ATM-LSRs, VPI/VCI labels are associated with the general case architecture, label distribution protocol, MPLS is applied to ATM links, identifying ATM virtual circuits, ATM consist PVC/SVC, nodes establish association between VPI/VCI labels and VCID values, downstream/upstream LSR, VCID used for multicast streams, permanent virtual routes/circuits (PVR/PVC), IP/ATM handler, data streams, VPI/VCI parameters, and a network that includes accommodating multi-protocol and multi-vendor communication, wherein the computer equipment/access server includes multi-ports for connection of plurality of multi-cards/expansion slots, performance testing associated with communication among a plurality of nodes, wherein the nodes are communicating in a LAN environment, virtual connections created using quality of service information,

virtual connections created between plurality of routers, traffic over VPN, it is suggested that MPLS/LSR is an optional method used for signaling a selected service level for data transmission, and a general purpose computer having an operating system that is designed to run on a version of UNIX known as Linux for utilizing distribution/management package software they fail to teach/suggest in an MPLS implementation an operating system kernel is instructed to send IP packets with a destination that matches the IP prefix of the received IP stream to the PVC connection, kernel is instructed to send packets received at the PVC connection at the ATM NIC to an IP input handler, system kernel instructed to send packets received at the first PVC connection to the second PVC connection, non-MPLS ATM network wherein the creation of a SVC using an incoming label to an ATM switch interface connected to a downstream using the outgoing label, program instructions forwarding packet to a non-MPLS downstream router.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

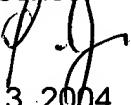
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones

  
December 3, 2004

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

12/16/04